

REMARKS

Prior to the Office action mailed October 4, 2007, claims 93-109 were pending. In the Office action, claim 98 has been withdrawn from consideration. Claims 103, 104, 106, and 107 are objected to as depending upon a rejected claim. Claims 93-109 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 93-97, 99-102, 105, 108, and 109 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,815,426 (hereinafter "the '426 patent"). Each of these objections and rejections are addressed below.

Claim amendments

Claims 103 and 105 have been amended, new claims 110-141 have been added, and claims 93-102, 104, 106, and 107 have been canceled. Claim 103 has been amended to recite "acetyl-Asn-Tyr-NH₂, acetyl-Asn-Tyr-OH, acetyl-Gly-Tyr-NH₂, and acetyl-Gly-Tyr-OH." Support for these compounds is found, for example, in Formula VIII on page 60 of the specification and on page 61, lines 26-27. Support for amides of these compounds is found, for example, at page 62, lines 4-7. Claim 105 has been amended to depend from claim 103. New claims 110-141 recite each the compounds of claim 103 and pharmaceutical compositions including these compounds. These amendments add no new matter.

Priority claim

Applicants have amended the priority claim in the specification to delete the benefit claim to U.S. Patent Application No. 09/792,286. This amendment adds no new matter.

Applicants also note that the Filing Receipt and the PAIR system reflect a benefit claim to Danish applications PA 2000 00738, filed May 4, 2000 and PA 2000 00288, filed February 23, 2000. Because applicants are not claiming benefit of these applications, deletion of this benefit claim is also respectfully requested.

The correct priority claim is provided in the supplemental ADS, the amendment to the specification, and the Request for Corrected Filing Receipt filed herewith.

Rejection under 35 U.S.C. § 112, second paragraph

The Office rejects claims 93-109 under 35 U.S.C. § 112, second paragraph, as indefinite. In particular, the Office rejects claim 93 for reciting the abbreviations “T4c” and “Ala-6ring.” The Office also rejects claim 93 for reciting “and pharmaceutically acceptable salts” where the Office suggests that “or pharmaceutically acceptable salts” would be appropriate. Without assenting to this rejection, applicants have canceled claims 93-102, 104, 106, and 107, thus rendering the rejection as applied to these claims moot. Claim 103 has been rewritten into independent form, and claim 105 depends from claim 103. Because these claims do not recite the noted abbreviations, or use the rejected

claim language, applicants submit the pending claims are free from the § 112, second paragraph, rejection raised by the Office. This rejection may therefore be withdrawn.

Rejection under 35 U.S.C. § 102

The Office also rejects claims 93-97, 100-102, 105, 108, and 109 under 35 U.S.C. § 102(e) as anticipated by the '426 patent. Applicants respectfully disagree because the '426 patent is not prior art against the present claims. As set forth in the previous Reply, the pending claims find support in U.S. Provisional Application 60/314,470, filed August 23, 2001, whereas the disclosure of the '426 patent relied upon by the Office in its § 102(e) rejection is prior art as of February 12, 2002. Accordingly, this disclosure is not prior art to the claims of the present application.

Without assenting to this rejection and solely to expedite prosecution, applicants have canceled rejected claims 93-97 and 100-102. In addition, claim 103, which has been amended into independent form and has been amended to recite acetyl-Asn-Tyr-NH₂, acetyl-Asn-Tyr-OH, acetyl-Gly-Tyr-NH₂, and acetyl-Gly-Tyr-OH, is also free from this rejection. Claim 105 has been amended to depend from claim 103. Claims 110-141, each of which recite the compounds of claim 103 and pharmaceutical compositions of these compounds, are also free from this rejection. On this basis, the rejection of the claims under 35 U.S.C. § 102(e) as anticipated by the '426 patent may be withdrawn.

Claim objections

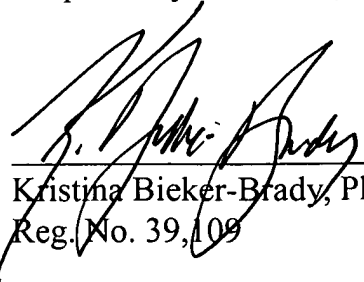
Claims 103, 104, 106, and 107 are objected to as depending from a rejected claim. Claim 103 has been amended into independent form and claims 104 and 106 have been canceled. Claim 107 depends from claim 105 which, in turn, depends from claim 103. In view of the amendments and arguments presented herein, withdrawal of this objection is respectfully requested.

CONCLUSION

Applicants submit that the claims are in condition for allowance, and such action is respectfully requested. Enclosed is a Petition to extend the period for replying to the Office action for two (2) months, to and including March 4, 2008, and a check in payment of the required extension fee. If there are any additional charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: March 3, 2008



Kristina Bieker-Brady, Ph.D.
Reg. No. 39,109

Clark & Elbing LLP
101 Federal Street
Boston, MA 02110
Telephone: 617-428-0200
Facsimile: 617-428-7045